



**TOWNSHIP OF EDWARDSBURGH CARDINAL  
ACTION ITEM**

**Committee:** Combined Committee of the Whole – AF- PWESF

**Date:** August 8, 2022

**Department:** Public Works

**Topic:** Request to Stop Up, Close and Convey Road Allowance (Glock o/b Barkley)

**Purpose:** To review and make a recommendation on a request to stop up, close and convey a portion of a road allowance between Lots 24 and 25, Concession 7, identified as Part 2 of Plan 15R-6142 (PIN 6814-10297).

**Background:** The Township has received a request to close the above-mentioned road allowance from Mr. Thomas Glock, legal representative for Jacqueline Barkley. Ms. Barkley is the former owner of 7068 County Rd 44, which is adjacent to the subject road allowance. It is requested that the road allowance be conveyed to the current owners of this property. The request notes that Ms. Barkley has been assessed and paid taxes on the road allowance as part of 7068 County Rd 44.

Correspondence from the property file provides the following history:

In January of 1995, the property at 7068 County Road 44 was acquired by PHH Home Equity Group. The buyer and seller had believed that the subject road allowance was part of this property and included in the sale. Upon learning that the road allowance was owned by the Township, a request was made to the Township, on behalf of the seller, to stop up, close and convey this road allowance to PHH Home Equity Group.

In February of 1995, a fee payment was made and the Township initiated the public consultation process. It was anticipated that the matter would be dealt with by April 30<sup>th</sup>, 1995.

On May 10<sup>th</sup>, 1995, PHH Home Equity Group requested a status update from the Township. 7068 County Road 44 was to be sold to Ms. Barkley, with a closing date of May 15<sup>th</sup>.

On May 15<sup>th</sup>, 1995, the Township advised that a decision was made not to proceed with the road closing because the road allowance is used by residents to access their properties. The application fee was refunded. 7068 County Road 44

was sold to Ms. Barkley. The property transfer and deed include the road allowance, but notes that the road allowance has not been closed by bylaw.

In 2018, 7068 County Rd 44 was sold to the current owner. As part of the sale, Ms. Barkley undertook to use best efforts to have the road allowance closed and sold. The request now received by the Township is made as part of these best efforts.

Legal Counsel for the Township confirms that the Township is the legal owner of the subject road allowance, PIN 6814-10297. Should Council wish to close and convey the road allowance, it will need to be done by bylaw.

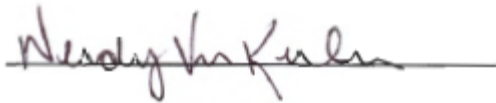
As the previous request was made 27 years ago, it is reasonable for Council to reconsider the closure and conveyance of this road allowance.

**Policy Implications:** The Township's Unopened Road Allowance Bylaw 2015-52 provides that such requests will only be considered where the closure will not lead to issues of land locking or blocked access to privately owned property. While the request would not result in land-locking any parcel, consideration should be made that previous concerns were raised.

Bylaw 2015-52 requires that all intended conveyances are to be publicized. Advertising could be done through the Township's website and local newspaper, where notices are regularly shared. In consideration that previous concerns were raised, it would be reasonable to also notify the surrounding property owners by mail.

**Financial Considerations:** Bylaw 2015-52 provides that all costs of the conveyance shall be borne by the applicant. The applicant is aware and agrees to this requirement.

**Recommendation:** That Committee recommend that Council agree to stop up and close the unopened road allowance identified as Part 2 on Plan 15R-6142; and that the land be conveyed to the owner of 7068 County Road 44; and that the intended conveyance be publicized through the Township's website, local newspaper, and by direct mail to property owners of land within 120m.



Community Development Coordinator



Director of Operations



CAO